

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLES 22 AND 28 OF THE SANTA BARBARA MUNICIPAL CODE RELATING TO THE NEIGHBORHOOD PRESERVATION ORDINANCE, SINGLE FAMILY RESIDENCE PARKING DESIGN STANDARDS, AND THE EXPIRATION OF DESIGN REVIEW APPROVALS.

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Sections 22.22.131, 22.22.132, and 22.22.180 of Chapter 22.22 of Title 22 of the Santa Barbara Municipal Code are amended to read as follows:

22.22.131 Review of Single Family Residential Units.

A. NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS. If a project is referred to the Historic Landmarks Commission for review pursuant to Section 22.69.030 of this Code, the Historic Landmarks Commission shall, in addition to any review required pursuant to this Chapter 22.22, make the findings required for approval of the project as specified in Section 22.69.050 of this Code prior to approving the project.

B. GREEN BUILDING STANDARD FOR LARGE RESIDENCES. If a project referred to the Historic Landmarks Commission for review pursuant to Section 22.69.030 of this Code proposes 500 square feet or more of new net floor area (new construction, replacement construction, or additions) and the net floor area of all existing and new buildings on the lot resulting from the application will exceed four thousand (4,000) square feet of net floor area as calculated pursuant to Section 28.04.315, all new square footage (new construction, replacement construction, or additions) proposed as part of the project shall meet or exceed a three-star designation under the Santa Barbara Contractors' Association Built Green program or equivalent standards under another green construction program recognized by the City.

22.22.132 Historic Landmarks Commission Notice and Hearing.

A. **PROJECTS THAT REQUIRE PUBLIC HEARING.** Historic Landmarks Commission review of the following projects must be preceded by a noticed public hearing:

1. New single residential units, residential duplexes, multiple residential units, mixed use (residential and non-residential) buildings, or nonresidential buildings,
2. The addition of over 500 square feet of net floor area to a single residential unit or residential duplex,
3. An addition of a new second or higher story to an existing single residential unit or residential duplex,
4. An addition of over 150 square feet of net floor area to an existing second or higher story of a single residential unit or residential duplex,

5. The addition of over 500 square feet of net floor area or any change that will result in an additional residential unit to a multiple residential unit,

6. Small non-residential additions as defined in Section 28.87.300,

7. Projects involving grading in excess of 250 cubic yards outside the footprint of any main building (soil located within five feet (5') of an exterior wall of a main building that is excavated and recompact shall not be included in the calculation of the volume of grading outside the building footprint),

8. Projects involving exterior lighting with the apparent potential to create significant glare on neighboring parcels,

9. Projects involving the placement or removal of natural features with the apparent potential to significantly alter the exterior visual qualities of real property, or

10. Projects involving an application for an exception to the parking requirements for a single family residential unit as specified in Section 28.90.100.G.1.c. of this Code.

B. MAILED NOTICE. Not less than ten calendar days before the date of the hearing required by Subsection A above, the City shall cause written notice of the hearing to be sent by first class mail to the following persons: (1) the applicant and (2) the current record owner (as shown on the latest equalized assessment roll) of any lot, or any portion of a lot, which is located not more than three hundred feet (300') from the exterior boundaries of the lot which is the subject of the action. The written notice shall advise the recipient of the following: (1) the date, time and location of the hearing, (2) the right of the recipient to appear at the hearing and to be heard by the Historic Landmarks Commission, (3) the location of the subject property, and (4) the nature of the application subject to design review.

C. ADDITIONAL NOTICING METHODS. In addition to the required mailed notice specified in Subsection B, the City may also require notice of the hearing to be provided by the applicant in any other manner that the City deems necessary or desirable, including, but not limited to, posted notice on the project site and notice delivered to non-owner residents of any of the ten (10) lots closest to the lot which is the subject of the action. However, the failure of any person or entity to receive notice given pursuant to such additional noticing methods shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given.

D. PROJECTS REQUIRING DECISIONS BY THE CITY COUNCIL, PLANNING COMMISSION, OR STAFF HEARING OFFICER. Whenever a project requires another land use decision or approval by the City Council, the Planning Commission, or the Staff Hearing Officer, the mailed notice for the first hearing before the Historic Landmarks Commission shall comply with the notice requirements of this Section or the notice requirements applicable to the other land use decision or approval, whichever are greater. However, nothing in this Section shall require either: 1. notice of any hearing before the Historic Landmarks Commission to be published in a newspaper, or 2. mailed notice of hearings before the Historic Landmarks Commission after the first hearing conducted by the Historic Landmarks Commission, except as otherwise provided in the Historic Landmarks Commission Guidelines adopted by resolution of the City Council.

22.22.180 Expiration of Approval.

A. CONCEPT REVIEW. Conceptual comments by the Commission are valid for one year from the date of the last conceptual review.

B. PRELIMINARY APPROVAL.

1. **One Year Expiration.** A preliminary approval from the Commission or the City Council, on appeal, shall expire by limitation and become null and void if final approval is not granted by the Commission or the City Council, on appeal, within twelve (12) months of the granting of the preliminary approval by the Commission or the City Council, on appeal.

2. **Community Development Director Extension.** Upon a written request from the applicant submitted prior to the expiration of the preliminary approval, the Community Development Director may grant one (1) twelve-month extension of a preliminary approval.

C. FINAL APPROVAL.

1. **Two Year Expiration.** A final approval from the Commission or the City Council, on appeal, shall expire by limitation and become null and void if a building permit for the building or work authorized by the approval is not issued within twenty four (24) months of the granting of the final approval by the Commission or the City Council, on appeal.

2. **Community Development Director Extension.** Upon a written request from the applicant submitted prior to the expiration of the approval, the Community Development Director may grant one (1) twelve-month extension of the final approval. Extensions of time may be granted by the Community Development Director upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.69, the Commission Guidelines, and applicable City ordinances, resolutions and other laws.

3. **Extensions by the Commission.** In addition to the twelve-month extension by the Community Development Director, upon a written request from the applicant submitted prior to the expiration of the approval, the Commission may grant up to two (2) twelve-month extensions of the final approval. Extensions of time may be granted by the Commission upon finding that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.22, the Commission Guidelines, and applicable City ordinances, resolutions and other laws.

4. **Projects with Multiple Approvals.** Notwithstanding the two-year expiration specified in paragraph 1 above, if a project requiring Design Review pursuant to this Chapter also requires discretionary approvals from the Staff Hearing Officer, Planning Commission, or City Council pursuant to Title 27 or 28 of this Code, the expiration date of the final approval of the Historic Landmarks Commission or City Council, on appeal, shall correspond with the expiration date of the longest discretionary approval granted for the project. If a building permit for the building or work authorized by the final approval is not issued before the expiration date of the longest discretionary approval for the project, the final approval shall expire by limitation and become null and void.

D. **EXCLUSIONS OF TIME.** For projects that do not require discretionary approvals from the Staff Hearing Officer, Planning Commission, or City Council pursuant to Title 27 or 28 of this Code, the time periods specified in this section for preliminary approval or final approval shall not include any period of time during which either 1. a moratorium on the issuance of building permits, imposed after the preliminary or final approval, is in effect; or 2. a lawsuit involving the preliminary or final approval is or was pending in a court of competent jurisdiction.

SECTION 2. Section 22.68.110 of Chapter 22.68 of Title 22 of the Santa Barbara Municipal Code is amended to read as follows:

22.68.110 Expiration of Approval.

A. **CONCEPT REVIEW.** Conceptual comments by the Architectural Board of Review are valid for one year from the date of the last conceptual review.

B. **PRELIMINARY APPROVAL.**

1. **One Year Expiration.** A preliminary approval from the Architectural Board of Review or the City Council, on appeal, shall expire by limitation and become null and void if final approval is not granted by the Architectural Board of Review or the City Council, on appeal, within twelve (12) months of the granting of the preliminary approval by the Architectural Board of Review or the City Council, on appeal.

2. **Community Development Director Extension.** Upon a written request from the applicant submitted prior to the expiration of the preliminary approval, the Community Development Director may grant one (1) twelve-month extension of a preliminary approval.

C. **FINAL APPROVAL.**

1. **Two Year Expiration.** A final approval from the Architectural Board of Review or the City Council, on appeal, shall expire by limitation and become null and void if a building permit for the building or work authorized by the approval is not issued within twenty four (24) months of the granting of the final approval by the Architectural Board of Review or the City Council, on appeal.

2. **Community Development Director Extension.** Upon a written request from the applicant submitted prior to the expiration of the approval, the Community Development Director may grant one (1) twelve-month extension of the final approval. Extensions of time may be granted by the Community Development Director upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.69, the Architectural Board of Review Guidelines, and applicable City ordinances, resolutions and other laws.

3. **Extensions by the Board.** In addition to the twelve-month extension by the Community Development Director, upon a written request from the applicant submitted prior to the expiration of the approval, the Architectural Board of Review may grant up to two (2) twelve-month extensions of the final approval. Extensions of time may be granted by the Architectural Board of Review upon finding that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.68, the Architectural Board of Review Guidelines, and applicable City ordinances, resolutions and other laws.

4. **Projects with Multiple Approvals.** Notwithstanding the two-year expiration specified in paragraph 1 above, if a project requiring Design Review pursuant to this Chapter also requires discretionary approvals from the Staff Hearing Officer, Planning Commission, or City Council pursuant to Title 27 or 28 of this Code, the expiration date of the final approval of the Architectural Board of Review or City Council, on appeal, shall correspond with the expiration date of the longest discretionary application granted for the project. If a building

permit for the building or work authorized by the final approval is not issued before the expiration date of the longest discretionary approval for the project, the final approval shall expire by limitation and become null and void.

D. EXCLUSIONS OF TIME. For projects that do not require discretionary approvals from the Staff Hearing Officer, Planning Commission, or City Council pursuant to Title 27 or 28 of this Code, the time periods specified in this section for preliminary approval or final approval shall not include any period of time during which either 1. a moratorium on the issuance of building permits, imposed after the preliminary or final approval, is in effect; or 2. a lawsuit involving the preliminary or final approval is or was pending in a court of competent jurisdiction.

SECTION 3. Sections 22.69.020, 22.69.040, 22.69.055, and 22.69.090 of Chapter 22.69 of Title 22 of the Santa Barbara Municipal Code are amended to read as follows:

22.69.020 Neighborhood Preservation - Single Family Residential Unit Design Review.

A. APPROVAL REQUIRED BEFORE ISSUANCE OF PERMIT. No building permit, grading permit, vegetation removal permit, or subdivision grading plan, the application for which is subject to the review of the Single Family Design Board pursuant to this Chapter 22.69, shall be issued without the approval of the Board or the City Council, on appeal.

B. BUILDING PERMITS - SPECIAL DESIGN DISTRICTS.

1. **Mission Area Special Design District and Lower Riviera Survey Area - Bungalow District.** Applications for building permits to construct, alter, or add to the exterior of a single family residential unit or a related accessory structure on a lot or lots within the Mission Area Special Design District or the Lower Riviera Survey Area - Bungalow District identified in Section 22.68.060 shall be referred to the Single Family Design Board for design review in accordance with the requirements of this Chapter and the approved Single Family Design Board Guidelines.

2. **Hillside Design District.** Applications for building permits to construct, alter, or add to the exterior of a single family residential unit or a related accessory structure on a lot or lots within the Hillside Design District identified in Section 22.68.060 shall be referred to the Single Family Design Board for design review in accordance with the requirements of this Chapter and the approved Single Family Design Board Guidelines if either:

a. The average slope of the lot or the building site is 20% or more as calculated pursuant to Section 28.15.080 of this Code; or

b. The application involves the replacement of an existing roof covering with a roof covering of different materials or colors.

C. BUILDING PERMITS - SINGLE FAMILY RESIDENTIAL UNITS. Applications for building permits to construct, alter, or add to the exterior of a single family residential unit or a related accessory structure on any lot shall be referred to the Single Family Design Board for design review in accordance with the requirements of this Chapter and the Single Family Design Board Guidelines if the project for which the building permit is sought involves any of the following:

1. The construction of a new building or structure where any portion of the proposed construction is either: (i) two or more stories tall, or (ii) seventeen feet (17') or taller in building

height (for purposes of this paragraph 1, building height shall be measured from natural grade or finished grade, whichever is lower), or

2. An alteration to an existing building or structure where any portion of the proposed alteration either: (i) alters the second or higher story of the building or structure, or (ii) alters a point on the existing building or structure that is seventeen feet (17') or higher in building height (for purposes of this paragraph 2, building height shall be measured from natural grade or finished grade, whichever is lower), or

3. An addition to an existing building or structure where any part of the proposed addition is either: (i) two or more stories tall, or (ii) seventeen feet (17') or taller in building height (for purposes of this paragraph 3, building height shall be measured from natural grade or finished grade, whichever is lower), or

4. The net floor area of all floors of all existing and new buildings on the lot will exceed four thousand (4,000) square feet as calculated pursuant to Section 28.15.083 of this Code, or

5. The project requires a net floor area modification pursuant to Section 28.92.110.A.6 of this Code, or

6. The construction, alteration, or addition of a deck on the second or higher floor (including roof decks) or a balcony on the second or higher floor of any building that will extend perpendicularly more than three feet (3') from the adjacent exterior wall or will be more than seven feet (7') in length in the dimension parallel to the adjacent exterior wall, or

7. The construction, alteration, or addition of a retaining wall that is six feet (6') or greater in height, or

8. The construction, alteration, or addition of a wall, fence or gate in the front yard of the lot that is greater than three and one half feet (3.5') in height, excluding walls, fences, or gates that are constructed along the interior lot lines of the lot, shall be referred to the Single Family Design Board for a review of the proposed wall, fence or gate, or

9. The installation of a manufactured home, mobile home or factory-built home (as those terms are defined in the California Health and Safety Code), subject to the limitations on review specified in Government Code section 65852.3 et seq., or

10. The installation of a single family residential unit that was, as a whole or in part, previously located on another lot, or

11. Grading outside the footprint of the main building on the lot that exceeds either: (i) fifty (50) cubic yards on a lot within the Hillside Design District identified in Section 22.68.060, or (ii) two hundred fifty (250) cubic yards on a lot that is not within the Hillside Design District. For purposes of this paragraph 11, soil located within five feet (5') of an exterior wall of a main building that is excavated and recompact shall not be included in the calculation of the volume of grading outside the main building footprint.

12. Projects involving an application for an exception to the parking requirements for a single family residential unit as specified in Section 28.90.100.G.1.c. of this Code.

D. SUBDIVISION GRADING PLANS. All subdivision grading plans involving grading on a lot or lots located in any of the single family zones listed in Chapter 28.15 of this Code shall be referred to the Single Family Design Board for a review of the proposed grading.

E. GRADING PERMITS. Applications for grading permits that propose grading on a vacant lot or lots located within a single family zone listed in Chapter 28.15 of this Code or on any lot that is developed exclusively with a single family residence and related accessory buildings, and which are not submitted in connection with an application for a building permit

for the construction or alteration of a building or structure on the same lot or lots, shall be referred to the Single Family Design Board for a review of the proposed grading.

F. VEGETATION REMOVAL PERMITS. Applications for vegetation removal permits pursuant to Chapter 22.10 of this Code on a lot or lots located within a single family zone listed in Chapter 28.15 of this Code, or on any lot that is developed exclusively with a single family residence and related accessory buildings, shall be referred to the Single Family Design Board for a review of the proposed vegetation removal.

G. RETAINING WALLS. The following types of retaining wall improvements, if located on a lot or lots within a single family zone listed in Chapter 28.15 of this Code, or on any lot that is developed exclusively with a single family residence and related accessory buildings, shall be referred to the Single Family Design Board for design review of the proposed retaining walls in accordance with the requirements of this Chapter and the approved Single Family Design Board Guidelines:

1. The construction of a retaining wall on a lot or a building site with an average slope of 15% or more (as calculated pursuant to Section 28.15.080 of this Code), or
2. The construction of a retaining wall on a lot that is adjacent to or contains an ocean bluff, or
3. The construction of multiple terracing retaining walls that are not separated by a building or a horizontal distance of more than ten feet (10') where the combined height of the walls exceeds six feet (6').

H. SUBSTANTIAL ALTERATIONS TO APPROVED LANDSCAPE PLANS. The Single Family Design Board shall review any substantial alteration or deviation from the design, character, plant coverage at maturity, or other improvements specified on an approved landscape plan for any lot within the City of Santa Barbara that is developed with a single-family residence where the conditions of approval for the development on the lot require the installation and maintenance of trees or landscaping in accordance with an approved landscape plan, whether or not such alteration or deviation to the landscape plan is proposed in connection with an alteration to a building or structure on the lot that is subject to design review by the Single Family Design Board. Whether a proposed alteration or deviation is substantial shall be determined in accordance with the Single Family Design Guidelines.

I. SUBMITTAL REQUIREMENTS. Applications for review by the Single Family Design Board shall be made in writing in such form as is approved by the Director of Community Development. No application shall be considered complete unless accompanied by the application fee in the amount established by resolution of the City Council.

J. ADMINISTRATIVE APPROVAL. Minor design alterations, as specified in the Single Family Design Guidelines or the Single Family Design Board Guidelines approved by a resolution of the City Council, may be approved as a ministerial action by the Community Development Director or the Director's designee without review by the Single Family Design Board. The Community Development Director (or the Director's designee) shall have the authority and discretion to refer any minor design alteration to the Single Family Design Board if, in the opinion of the Community Development Director, the alteration has the potential to have an adverse effect on the architectural or landscape integrity of the building, structure or surrounding property.

K. PRESUMPTION REGARDING PRIOR GRADING, TREE REMOVAL, AND CONSTRUCTION. There shall be a presumption that any grading, removal of trees, or construction that occurred on the lot within two years prior to the submittal of an application for

a building permit to construct, alter, or add to a single family residential unit or a related accessory structure was done in anticipation of such application, and said activities will be included in determining whether the project is subject to review by the Single Family Design Board pursuant to this Chapter. For purposes of this presumption, if the prior work required a permit from the City, the prior work shall not be considered complete unless a final inspection has occurred or a certificate of occupancy has been issued. An applicant has the burden to rebut this presumption with substantial evidence sufficient to convince the Single Family Design Board that such work was not done in an effort to avoid review of the entirety of the project by the Single Family Design Board.

L. **SINGLE FAMILY DESIGN GUIDELINES.** The Single Family Design Guidelines adopted by resolution of the City Council shall provide direction and appropriate guidance to decision makers and City staff in connection with applications reviewed pursuant to this Chapter.

22.69.040 Single Family Design Board Notice and Hearing.

A. **PROJECTS THAT REQUIRE A NOTICED PUBLIC HEARING.** Single Family Design Board review of the following projects must be preceded by a noticed public hearing:

1. New single family residential unit,
2. The addition of over 500 square feet of net floor area to a single residential unit, including any related accessory structures,
3. An addition of a new second or higher story to a single residential unit or a related accessory structure,
4. An addition of over 150 square feet of net floor area to an existing second or higher story of a single residential unit or a related accessory structure,
5. Projects involving grading in excess of 250 cubic yards outside the footprint of any main building (soil located within five feet (5') of an exterior wall of a main building that is excavated and recompacted shall not be included in the calculation of the volume of grading outside the building footprint),
6. Projects involving exterior lighting with the apparent potential to create significant glare on neighboring parcels, or
7. Projects involving an application for an exception to the parking requirements for a single family residential unit as specified in Section 28.90.100.G.1.c. of this Code.

B. **MAILED NOTICE.** Not less than ten calendar days before the date of the hearing required by Subsection A above, the City shall cause written notice of the project hearing to be sent by first class mail to the following persons: (1) the applicant, and (2) the current record owner (as shown on the latest equalized assessment roll) of any lot, or any portion of a lot, which is located not more than three hundred feet (300') from the exterior boundaries of the lot which is the subject of the action. The written notice shall advise the recipient of the following: (1) the date, time and location of the hearing, (2) the right of the recipient to appear at the hearing and to be heard by the Single Family Design Board, (3) the location of the subject property, and (4) the nature of the application subject to design review.

C. **ADDITIONAL NOTICING METHODS.** In addition to the required mailed notice specified in Subsection B, the City may also require notice of the hearing to be provided by the applicant in any other manner that the City deems necessary or desirable, including, but not limited to, posted notice on the project site and notice delivered to non-owner residents of any of the ten (10) lots closest to the lot which is the subject of the action. However, the failure of any

person or entity to receive notice given pursuant to such additional noticing methods shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given.

D. PROJECTS REQUIRING DECISIONS BY THE CITY COUNCIL, PLANNING COMMISSION, OR STAFF HEARING OFFICER. Whenever a project requires another land use decision or approval by the City Council, the Planning Commission, or the Staff Hearing Officer, the mailed notice of the first hearing before the Single Family Design Board shall comply with the notice requirements of this Section or the notice requirements applicable to the other land use decision or approval, whichever are greater. However, nothing in this Section shall require either: 1. notice of any hearing before the Single Family Design Board to be published in a newspaper, or 2. mailed notice of hearings before the Single Family Design Board after the first hearing conducted by the Single Family Design Board, except as otherwise provided in the Single Family Design Board Guidelines adopted by resolution of the City Council.

22.69.055 Green Building Standard for Large Residences.

If a project proposes more than 500 square feet of new net floor area (new construction, replacement construction, or additions) and the net floor area of all existing and new buildings on the lot resulting from the application will exceed four thousand (4,000) square feet of net floor area as calculated pursuant to Section 28.04.315, all new square footage (new construction, replacement construction, or additions) proposed as part of the project shall meet or exceed a three-star designation under the Santa Barbara Contractors' Association Built Green program or equivalent standards under another green construction program recognized by the City.

22.69.090 Expiration of Approval.

A. CONCEPT REVIEW. Conceptual comments by the Single Family Design Board are valid for one year from the date of the last conceptual review.

B. PRELIMINARY APPROVAL.

1. **One Year Expiration.** A preliminary approval from the Single Family Design Board or the City Council, on appeal, shall expire by limitation and become null and void if final approval is not granted by the Single Family Design Board or the City Council, on appeal, within twelve (12) months of the granting of the preliminary approval by the Single Family Design Board or the City Council, on appeal.

2. **Community Development Director Extension.** Upon a written request from the applicant submitted prior to the expiration of the preliminary approval, the Community Development Director may grant one (1) twelve-month extension of a preliminary approval.

C. FINAL APPROVAL.

1. **Two Year Expiration.** A final approval from the Single Family Design Board or the City Council, on appeal, shall expire by limitation and become null and void if a building permit for the building or work authorized by the approval is not issued within twenty four (24) months of the granting of the final approval by the Single Family Design Board or the City Council, on appeal.

2. **Community Development Director Extension.** Upon a written request from the applicant submitted prior to the expiration of the approval, the Community Development

Director may grant one (1) twelve-month extension of the final approval. Extensions of time may be granted by the Community Development Director upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.69, the Single Family Design Guidelines, and applicable City ordinances, resolutions and other laws.

3. **Extensions by the Board.** In addition to the twelve-month extension by the Community Development Director, upon a written request from the applicant submitted prior to the expiration of the approval, the Single Family Design Board may grant up to two (2) twelve-month extensions of the final approval. Extensions of time may be granted by the Single Family Design Board upon finding that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.69, the Single Family Design Guidelines, and applicable City ordinances, resolutions and other laws.

4. **Projects with Multiple Approvals.** Notwithstanding the two-year expiration specified in paragraph 1 above, if a project requiring Design Review pursuant to this Chapter also requires discretionary approvals from the Staff Hearing Officer, Planning Commission, or City Council pursuant to Title 27 or 28 of this Code, the expiration date of the final approval of the Single Family Design Board or City Council, on appeal, shall correspond with the expiration date of the longest discretionary approval granted for the project. If a building permit for the building or work authorized by the final approval is not issued before the expiration date of the longest discretionary approval for the project, the final approval shall expire by limitation and become null and void.

D. **EXCLUSIONS OF TIME.** For projects that do not require discretionary approvals from the Staff Hearing Officer, Planning Commission, or City Council pursuant to Title 27 or 28 of this Code, the time periods specified in this section for preliminary approval or final approval shall not include any period of time during which either 1. a moratorium on the issuance of building permits, imposed after the preliminary or final approval, is in effect; or 2. a lawsuit involving the preliminary or final approval is or was pending in a court of competent jurisdiction.

SECTION 4. Section 28.15.083 of Chapter 28.15 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.15.083 Maximum Net Floor Area (Floor to Lot Area Ratio).

A. **APPLICATION.** The provisions of this Section shall only apply to lots within these zones that have less than 15,000 square feet of net lot area and which are, or are proposed to be, developed with a main or accessory building that is either: (1) two or more stories tall, or (2) has a building height of seventeen feet (17') or more.

B. **DEFINITIONS.** For purposes of this Section, the following definitions shall apply:

1. **Net Floor Area of a Building.** The net floor area of a building shall be calculated in accordance with the following general rule and any applicable special rules:

a. **General Rule:** Net floor area is the area in square feet of all floors confined within the exterior walls of a building, but not including the area of the following: exterior walls, vent shafts, courts, and any areas with a ceiling height of less than five (5) feet above the finished floor.

b. **Special Rules:** (i) **Stairs and Elevators.** The area occupied by stairs or an elevator shaft within the exterior walls of a building shall be counted only on one floor of the building. (ii) **Small Accessory Buildings.** Freestanding accessory buildings that do not require a building permit for construction or installation are excluded from the net floor area calculation. (iii) **Basements and Cellars.** The net floor area calculation for a basement or cellar shall be reduced by 50% if the vertical distance from grade to ceiling is four feet (4') or less for at least one-half of the length of the perimeter of the basement or cellar. The floor area of a basement or cellar shall be excluded from the calculation of net floor area if the vertical distance from grade to the ceiling is four feet (4') or less for the entire length of the perimeter of the basement or cellar. For purposes of the exclusion of floor area, one (1) section of the basement or cellar perimeter length, not exceeding five (5) feet in length, may have a distance from grade to ceiling greater than four feet in order to allow for an exterior door and the basement or cellar may still qualify for the exclusion if the door is located outside the required front setback. (iv) **Secondary Dwelling Units.** Net floor area within a portion of a building that is designed and permitted as a secondary dwelling unit pursuant to Section 28.94.030.Z of this Code shall be excluded from the net floor area calculation. (v) **Carports.** The area within the exterior walls or supporting columns of a carport shall be included in the calculation of net floor area.

2. **Net Floor Area on a Lot.** The net floor area on a lot shall be the sum of the net floor area of all existing and proposed buildings on the lot.

3. **Net Lot Area.** The total horizontal area within the lot lines of a lot subtracting the horizontal area within any public rights-of-way on the lot.

C. **MAXIMUM NET FLOOR AREA (Floor to Lot Area Ratio).** For purposes of this Section, the maximum net floor area of a lot shall be calculated according to the following formulae:

NET LOT AREA (SQ. FT.)	MAXIMUM NET FLOOR AREA (SQ. FT.)
Less than 4,000	2200
4,000 to 9,999	1200 + (.25 multiplied by the net lot area)
10,000 to 14,999	2500 + (.125 multiplied by the net lot area)

D. **PRECLUDED DEVELOPMENT.** No application for a building permit may be approved for any project that will: (1) result in an increase of the net floor area on the lot, (2) change the location of any floor area on the second or higher story of any building on the lot, or (3) increase the height of any portion of a building on the lot to a building height of seventeen feet (17') or higher if either of the following is true regarding the project:

1. The net floor area on the lot will exceed the maximum net floor area for the lot as calculated pursuant to this Section, or

2. The net floor area on the lot will exceed eighty-five percent (85%) of the maximum net floor area for the lot as calculated pursuant to this Section and any of the following conditions apply to the lot:

a. The average slope of the lot or the building site (as calculated pursuant to Section 28.15.080 of this Code) is thirty percent (30%) or greater, or

b. The building height of any new or existing building or structure on the lot is in excess of twenty-five feet (25'), or

c. The lot is located in the Hillside Design District established in Section 22.68.080 of this Code and the application proposes five hundred (500) or more cubic yards of grading outside the footprint of the main building (soil located within five feet (5') of an exterior wall of a main building that is excavated and recompacted shall not be included in the calculation of the volume of grading outside the building footprint).

SECTION 5. Section 28.90.100 of Chapter 28.90 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.90.100 Parking Requirements.

A. GENERAL. Parking shall be provided for any use in the City of Santa Barbara.

B. DEFINITIONS. As used in this section of the code, certain words and phrases have the following meanings:

1. INDUSTRIAL USE. An industrial use is a use permitted in the C-M or M-1 zones, but not permitted in more restrictive zones.

2. SENIOR HOUSING. Senior Housing is housing that is restricted to residential uses by elderly and senior persons, sixty-two (62) years of age or older. In order to qualify, such restrictions must be made by recorded instrument, regulations of the United States Department of Housing and Urban Development or by similar enforceable methods.

3. LOW INCOME SENIOR HOUSING. Low income Senior Housing is housing that is restricted to residential uses by low income elderly and senior persons, sixty-two (62) years of age or older, and/or disabled or handicapped persons at affordable low income rents or sale prices in conformance with the City's adopted affordability criteria. In order to qualify, such restrictions must be for at least thirty (30) years, and be made by recorded instrument, regulations of the United States Department of Housing and Urban Development or by similar enforceable methods.

C. CUMULATIVE REQUIREMENTS. All standards set forth herein are cumulative in nature. For properties containing more than one use, the requirements for each use shall be met.

D. BUILDINGS IN EXCESS OF 10,000 SQUARE FEET. For industrial and office uses, a reduction of the required parking will be allowed for those buildings or building complexes containing in excess of 10,000 square feet of net floor area at the following rate:

1. Buildings containing 10,000 to 30,000 square feet of net floor area shall provide 90% of the required parking.

2. Buildings containing 30,000 to 50,000 square feet of net floor area shall provide 80% of the required parking.

3. Buildings in excess of 50,000 square feet of net floor area shall provide 70% of the required parking.

E. FRACTIONS. Fractions of one-half (1/2) or greater shall be considered to require one space.

F. **SMALL CARS.** Thirty percent (30%) of all required parking may be for small cars for parking lots containing more than 10 spaces with the layout to be approved by the City Transportation Engineer.

G. **RESIDENTIAL PARKING REQUIREMENTS.** In any zone, for every residential unit or units, and every residential building or structure occupied or intended to be occupied as sleeping quarters or dwellings, all of the required parking spaces shall be made available for all occupants to use as parking spaces on an assigned or unassigned basis. There shall be provided on the same lot or parcel of land a minimum ratio of parking space for each unit or occupant as follows:

1. **Single Residential Unit or Group Home.**

a. **General Rule.** Two (2) required. Both of the required spaces shall be provided within a garage or carport located on the lot. If two or more single family dwellings legally exist, or are proposed on a single lot in any zone except the A, E, or R-1 zones, one covered space and one uncovered space may be provided for each single-family dwelling.

b. **Exception for One Uncovered Space.** Any lot developed with less than 85% of the maximum net floor area for the lot (as calculated pursuant to Section 28.15.083), whether or not the maximum net floor area specified in Section 28.15.083 applies to the lot as a standard, may provide the required parking in one covered space and one uncovered space under the following conditions:

- (1) The uncovered space shall not be located in any front yard on the lot, and
- (2) If new pavement is proposed for the uncovered space and the site has an appropriate slope for permeable paving, then the new pavement shall be permeable.
- (3) If the lot is located in the A, E, or R-1 zones and has less than 15,000 square feet of net lot area, the uncovered space may encroach up to three feet (3') into a required interior yard if a landscaped buffer is provided between the uncovered space and the adjacent interior lot line.

(4) All other provisions of this Title shall apply to the required parking.

c. **Exception for Two Uncovered Spaces.** Any lot developed with less than 80% of the maximum net floor area for the lot (as calculated pursuant to Section 28.15.083), whether or not the maximum net floor area specified in Section 28.15.083 applies to the lot as a standard, may provide the required parking in two uncovered spaces under the following conditions:

- (1) The uncovered spaces shall not be located in any front yard on the lot,
- (2) The uncovered spaces shall be screened from public view,
- (3) If new pavement is proposed for any of the uncovered spaces and the site has an appropriate slope for permeable paving, then the new pavement shall be permeable,
- (4) Storage space with exterior access of at least 150 square feet of net floor area shall be provided on the lot, and

(5) The location of the parking and the design of the screening shall be reviewed and approved by the Single Family Design Board or Historic Landmarks Commission, as applicable.

(6) If the lot is located in the A, E, or R-1 zones and has less than 15,000 square feet of net lot area, the uncovered spaces may encroach up to three feet (3') into a required interior yard if a landscaped buffer is provided between the uncovered spaces and the adjacent interior lot line.

(7) All other provisions of this Title shall apply to the required parking.

2. **Two-Residential Unit.** Four (4) required. Two (2) of the required spaces shall be

provided within a garage or carport located on the lot. A development in which 100% of the units are rental units which are affordable to very low or low income households may reduce the number of parking spaces to one uncovered parking space per unit if the following conditions are met:

a. Each unit shall have at least 200 cubic feet of enclosed weatherproofed and lockable private storage space in addition to guest, linen, pantry, and clothes closets customarily provided. Such space shall be for the sole use of the unit tenant. Such space shall be accessible from the exterior of the unit it serves;

b. A covenant is recorded in the County Land Records against the title, which states that all of the dwelling units on the Real Property shall be rented to very low or low income households; the maximum rent and the maximum household income of tenants shall be determined as set forth in the Affordable Housing Policies and Procedures Manual of the City of Santa Barbara, which is adopted by City Council Resolution from time to time. The rents shall be controlled through recorded documents to assure continued affordability for at least thirty (30) years from the initial occupancy of the dwelling unit. The City shall be a party to the covenant; and

c. A covenant is recorded in the County Land Records against the title which states that the development has received a reduction in the amount of parking required because it is a 100% affordable project. In the event that the Real Property, or any portion thereof, is not or cannot be used solely for very low or low income rental housing, either (i) the structure(s) shall be redesigned and possibly reconstructed and the number of dwelling units shall be reduced so that the maximum number of dwelling units on the Real Property does not exceed the number of dwelling units that would be allowed if there is compliance with the City's parking requirements then in effect, or (ii) the owner shall provide the number of spaces required by the Zoning Ordinance for the new use pursuant to Chapter 28.90. The City shall be a party to the covenant.

3. Multiple Residential Unit.

a. Studio: one and one quarter (1-1/4) spaces per residential unit.

b. One bedroom: one and one-half (1-1/2) spaces per residential unit.

c. Two (2) or more bedrooms: two (2) spaces per residential unit.

d. When there are six (6) or more residential units on a lot or parcel, one (1) space for every four residential units shall be provided for guests.

e. When the parking referred to in Subsections 28.90.100.G.3.a-d. is provided for a condominium, community apartment or stock cooperative, at least one parking space that is in a garage or carport shall be allocated to each residential unit.

f. A development in which 100% of the units are rental units which are affordable to very low or low income households: one uncovered parking space per unit if the following conditions are met:

(1) A covenant is recorded in the County Land Records against the title, which states that all of the residential units on the Real Property shall be rented to very low or low income households; the maximum rent and the maximum household income of tenants shall be determined as set forth in the Affordable Housing Policies and Procedures Manual of the City of Santa Barbara, which is adopted by City Council Resolution from time to time. The rent shall be controlled through recorded documents to assure continued affordability for at least thirty (30) years from the initial occupancy of the residential unit. The City shall be a party to the covenant; and

(2) A covenant is recorded in the County Land Records against the title which states that the development has received a reduction in the amount of parking required because it is a project with 100% affordable units. In the event that the Real Property, or any portion thereof, is not or cannot be used solely for very low or low income rental housing, either (i) the structure(s) shall be redesigned and possibly reconstructed and the number of residential units shall be reduced so that the maximum number of residential units on the Real Property does not exceed the number of residential units that would be allowed if there is compliance with the City's parking requirements then in effect, or (ii) the owner shall provide the number of spaces required by the Zoning Ordinance for the new use pursuant to Chapter 28.90. The City shall be a party to the covenant.

4. Planned Unit Developments for Residential Uses.

a. For each residential unit, not less than two (2) parking spaces, either in a garage or a carport and one-half (1/2) uncovered space.

5. Senior Housing: one (1) uncovered space per residential unit.

6. Low Income Senior Housing: one-half (1/2) uncovered space per residential unit.

7. Mobilehomes and Recreational Vehicles.

a. Mobilehome on a permanent foundation: two (2) covered spaces for each mobilehome.

b. Mobilehome or permanent recreational vehicle park: two (2) parking spaces on each mobilehome and recreational vehicle space. Tandem parking is acceptable. Guest parking shall be provided at the ratio of one (1) parking space per four (4) mobilehome and recreational vehicle spaces. Each mobilehome and recreational vehicle space shall be within one hundred (100) feet of at least one (1) guest parking space. On-street parking on internal roadways may be counted toward meeting the guest parking requirement.

8. Boarding House, club, fraternity house, sorority house, and dormitory: one (1) space for each bedroom.

9. Community care facility: one (1) space for each two (2) bedrooms.

H. MIXED USE DEVELOPMENTS.

1. Residential Uses. Parking spaces shall be provided in accordance with Subsection 28.90.100.G, subject to the following exceptions:

a. In any mixed use development, where residential uses occupy up to fifty percent (50%) of the development, residential parking requirements may be reduced by fifty percent (50%) and covered parking will not be required, although it will be encouraged. If the residential use is changed to a nonresidential use, the full number of parking spaces as required in this Chapter shall be added.

b. In the delineated areas of the Central Business District (CBD) shown on the map (Figure A) which is part of this code, the residential parking requirement for mixed use developments is one uncovered parking space per dwelling unit, and guest parking is not required. If the residential use is changed to a nonresidential use, the full number of parking spaces as required in this Chapter shall be added.

2. Nonresidential Uses. Parking spaces shall be provided in accordance with Subsections 28.90.100.I., 28.90.100.J. and 28.90.100.K.

I. OFFICE, COMMERCIAL AND INDUSTRIAL USES. In any zone, except as provided in Sections 28.90.100.J and 28.90.100.K of this Chapter, for all office and commercial buildings, one (1) parking space shall be provided for each two hundred fifty (250) square feet of net floor area or fraction thereof. For all general industrial uses, one (1) parking space shall be provided

for each five hundred (500) square feet of net floor area or fraction thereof.

J. **PARKING REQUIREMENTS FOR SPECIFIC USES.** In any zone, for the following uses parking spaces shall be in the following ratios for specific types of use:

1. **CENTRAL BUSINESS DISTRICT.** Any nonresidential use in the delineated areas of the Central Business District (CBD) shown on the map (Figure A) which is a part of this code: one space per 500 square feet of net floor area. However, any property located in whole or in part in the Central Business District (CBD) and which has a designated "zone of benefit" as shown on Figure A shall also be exempt from the requirements of this chapter (as to the number of parking spaces required) to the extent of the percentage of the zone of benefit shown for such property on Figure A.

In other words, in applying this subsection, the parking space requirement for the property shall be computed on the basis of floor area ratios as initially required herein. The resulting number of required spaces shall then be reduced by the percentage applicable to the zone of benefit designated for that property, rounded to the nearest whole number. Bicycle parking shall also be required as necessary.

2. Automobile service stations: three (3) parking spaces for each grease rack. Grease racks, pump blocks and other service areas shall not be considered as parking spaces. Bicycle parking not required.

3. Auto repair: As much paved area for outside storage and parking of vehicles as there is area used for servicing of vehicles. Bicycle parking not required.

4. Car wash: Four (4) spaces per washer unit. Bicycle parking not required.

5. Churches, theaters, auditoriums, funeral parlors, stadiums, arenas and similar places of assembly:

One (1) parking space shall be provided for every four (4) seats provided in such building. A seat shall mean eighteen (18) lineal inches of seating space when seats are arranged in rows or pews. For auditoriums with no permanent seats, a seat shall mean seven (7) square feet of net floor area. Bicycle parking required.

6. Amusements:

a. Dance halls and clubs: One (1) parking space shall be provided for each two hundred (200) square feet of net floor area or fraction thereof. Bicycle parking required.

b. Bowling alleys, tennis courts and similar recreation facilities: Two (2) parking spaces shall be provided for each alley, tennis court or similar activity unit. For any restaurant, retail or assembly use within the building, the requirements for that use shall apply in addition to the requirements for each activity unit. Bicycle parking required.

c. Spas and skating rinks: Three (3) spaces per 1000 square feet. Bicycle parking required.

7. Fast food restaurant: one (1) space per 100 square feet. Bicycle parking required.

8. Furniture and antique stores: one (1) space per 1000 square feet. Bicycle parking not required.

9. Hospitals: At least one (1) parking space shall be provided for each bed in the total capacity of such institution. Bicycle parking required.

10. Hotels, motels, and resort hotels: one (1) space per sleeping unit. Bicycle parking required.

11. Liquor store: three (3) spaces per 1,000 square feet. Bicycle parking required.

12. Lumber yard: one (1) space per 250 square feet of retail and office space only. Bicycle parking not required.

13. Manufacturing: one (1) space per 500 square feet. Bicycle parking required.
14. Mini-warehouse: one (1) space per 5000 square feet, except that any office space associated therewith must meet the standard office requirement. Bicycle parking not required.
15. Landscape nursery: one (1) space per 2000 square feet of lot area. Bicycle parking not required.
16. Restaurant: the greater of four (4) spaces per 1,000 square feet or one (1) space per three (3) seats. Bicycle parking required.
17. Skilled nursing facilities, hospices serving more than six individuals, and similar institutions: one-half (1/2) space per bed. Bicycle parking required.
18. Schools, both public and private:
- a. Child Care Centers: one (1) space for each member of the faculty and employee, plus one additional space for every ten (10) children enrolled. In the case of part-time personnel, the requirement shall be equal to the maximum number of personnel present at the facility at any one time. Bicycle parking required, but at a rate determined by the school.
 - b. Elementary and junior high schools: one (1) space for each member of the faculty and employee, plus one (1) additional space for each one hundred (100) students regularly enrolled. Bicycle parking required, but at a rate determined by the school.
 - c. High schools: One (1) space for each member of the faculty and employee, plus one (1) additional space for each ten (10) students regularly enrolled. Bicycle parking required, but at a rate determined by the school.
 - d. Colleges, universities and similar institutions: one (1) space for every two (2) employees, plus one (1) space for every two (2) full-time or equivalent regularly enrolled students in graduate or undergraduate courses. For places of assembly, the requirements of Subsection 28.90.100.J.5 shall apply. Where a university or college presents a development plan which conforms in general with the general parking requirements for employees, students and places of assembly, said plan may be approved by the Zoning Administrator as satisfying the requirements of this chapter. Consideration shall be given to parking spaces that can be utilized by the users of two (2) or more buildings. Bicycle parking required, but at a rate determined by the governing body of the educational institution.
19. Warehousing: one (1) space per 5000 square feet. Any office or retail space associated therewith must meet the standard office or retail requirements. Bicycle parking required.
20. Overnight Recreational Vehicle Parks. There shall be at least one (1) parking space on each recreational vehicle space. Guest parking shall be provided at the ratio of one (1) parking space per ten (10) recreational vehicle spaces. Each recreational vehicle space shall be within one hundred fifty (150) feet of at least one (1) guest parking space. On-street parking on internal roadways may be counted toward meeting the guest parking requirement.
- K. PARKING REQUIREMENTS FOR SPECIFIC ZONES. For the following zones, parking spaces shall be on the same lot with the main building or on lots contiguous thereto, and shall be provided in the following ratios unless otherwise provided in Section 28.90.100.J.
- 1. C-P Zone: One (1) parking space for each two hundred (200) square feet of net floor area.
 - 2. C-X Zone: One (1) parking space for each two hundred fifty (250) square feet of net floor area. No parking area shall be constructed or used within twenty-five feet (25') of any street adjacent to the premises and there shall be no loading or delivery facilities in a front yard on such premises.

3. S-H Zone: For units restricted to Low Income Senior Housing, one (1) parking space for each two (2) residential units. For other units, one (1) space per unit.

4. S-D-2 Zone: One (1) parking space for each two hundred fifty (250) square feet of net floor area. In the event the property is located in a zone or has a use with a requirement for more parking, the greater requirement shall apply.

5. HWMF Overlay Zone: Parking space requirements for Offsite Hazardous Waste Management Facilities shall be determined by the City Transportation and Parking Manager.

6. PR Zone: Except as otherwise provided in Section 28.90.100.J, parking space requirements for park and recreation facilities shall be determined by the City Transportation and Parking Manager in consultation with the Community Development Director.

L. BICYCLE PARKING. In addition to the vehicle parking spaces required under Sections 28.90.100.I, 28.90.100.J and 28.90.100.K, one (1) bicycle parking space shall be required for each seven (7) vehicle parking spaces required therein.